

Notice of Allowability

Application No.

10/699,160

Examiner

Kelly Mahafkey

Applicant(s)

KANEMOTO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/8/07.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The previous rejections of claims 1-10 over Lewis (US 5275836) in view of the combination of Walton (<http://waltomfeed.com/self/rice.html>) and Ogawn (JP 92006330B Abstract Only) has been withdrawn in light of applicant's amendments made August 8, 2007. The previous rejections of claims 11-13 over Lewis (US 5275836) in view of the combination of Walton (<http://waltomfeed.com/self/rice.html>) and Ogawn (JP 92006330B Abstract Only), further in view of Mathews (US 3759380) has been withdrawn in light of applicant's amendments made August 8, 2007.

The closest prior art is Lewis (US 5275836) and Inosuke (JP Application (B2) No. 04-006330 as translated by the USPTO 2/26/07).

Lewis teaches a process for treating brown rice including a milling step to remove a controlled portion of the bran layer, 2-10% of the total rice grain, a (primary) immersing step wherein the rice grains absorb 20-40% water, a (primary) alpha-type conversion step (i.e. steaming), a drying and sorting step on a perforated belt (i.e. a screen) with air ejected towards the rice, and forming a final product with a polishing step. Lewis teaches of removing the water form the immersing step before the alpha-type conversion step. Refer specifically to Abstract, Column 3 lines 5 through Column 4 line 57, and Claims 1, 7, and 8. Lewis does not teach the amount of alpha-conversion that occurs in the primary alpha conversion step and/or further modification of the rice after the final polishing step, including a secondary immersing step, a secondary alpha-type conversion step, and a secondary drying step. Furthermore, there is no suggestion in the prior art to further modify the *final polished rice product* as taught by Lewis, specifically there is no suggestion for the treatment of the polished rice with a secondary immersing step, a secondary alpha-type conversion step, and a secondary drying step as instantly claimed.

Inosuke teaches a method of treating rice comprising water immersion until the rice reaches a water content of about 40% depending on the variety of rice, water removing, a primary alpha type conversion by steaming until the alpha level of the rice

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is 50-60%, hot-air drying, and a secondary alpha conversion by wet-heating. Refer specifically to Page 3 paragraph 3 through Page 5 paragraph 1. Inosuke teaches that the benefit of the process, specifically the first alpha conversion step to 50-60% alpha conversion and the secondary alpha conversion step is prevention of caking and the formation of rice with excellent taste and texture (Page 2 paragraph 2 through Page 3 paragraph 2 and Page 5 paragraph 2). Inosuke does not teach of a final polishing step for polishing the rice grains obtained in the first drying step or a secondary immersion step prior to the secondary alpha conversion step. Furthermore, there is no suggestion in the prior art to polish the rice grains in the process as taught by Inosuke after the first drying step or to immerse the rice grains prior to the secondary alpha type conversion, as instantly claimed.

Thus, although the individual processing steps of the claimed invention have been known, there is no teaching or suggestion in the prior art of the processing steps in the specific processing order as instantly claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Mahafkey whose telephone number is (571) 272-2739. The examiner can normally be reached on Monday through Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lien Tran/
Primary Examiner
Group 1700

Kelly Mahafkey
Examiner
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A handwritten signature in black ink, appearing to read 'K. Mahafkey', with a large, sweeping flourish extending to the right.